IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.2634 of 2004

With

Writ Petition No.5171 of 2006

Gokhale Education Society & anr. Petitioners

Vs.

Shri Datta Shivaji Kshirsagar & anr. Respondents

Mr.M.B.Mehere for petitioners.

Mr.M.S.Karnik for Respondent no.1.

Mr.M.H.Solkar, AGP for Respondent no.2.

CORAM: B.H.MARLAPALLE,J.

September 01, 2006.

P.C.

. Having heard the learned counsel for the respective parties and on perusal of the order passed by the Deputy Director of Education, Nashik, on 23/10/2000 as well as the affidavit-in-reply filed on his behalf in Writ Petition No.2634 of 2004, it would be just and proper that the petitioner - management which is running some junior colleges in Thane as

well as Nashik District takes steps for absorption of the respondent as a Lecturer in any one of such colleges and Mr.Karnik, the learned counsel for the said respondent states that he is ready and willing to be absorbed in any junior college run by the petitioner - Society in the State of Maharashtra. The petitioner is, therefore, directed to locate a vacancy for the post of lecturer in the junior college and absorb the respondent against such a vacancy. This should be done as expeditiously as possible and in any case within a period of four weeks from today.

. Mr.Karnik also admits that the respondent is not totally unemployed during the intervening period and, therefore, the issue of backwages and more particularly the payment of arrears will be decided by the Deputy Director after hearing both the parties. The parties to appear before the Deputy Director of Education, Nashik as soon as the absorption order is passed and the Deputy Director will decide the amount of arrears payable to the respondent no.1 within a period of three months, from such appearance.

. Both the petitions disposed off in terms of the above order. The learned AGP to communicate this order to the Deputy Director of Education, Nashik forthwith.

(B.H.MARLAPALLE,J.)